

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<u>Applicant(s):</u>	Maria Laura Gennaro	<u>Examiner:</u>	Rodney P. Swartz
<u>Application No.:</u>	10/009,383	<u>Confirmation No.:</u>	7070
<u>Filed:</u>	March 4, 2002	<u>Group Art Unit:</u>	1645
<u>For:</u>	PROTEINS EXPRESSED BY MYCOBACTERIUM TUBERCULOSIS AND NOT BY BCG AND THEIR USE AS DIAGNOSTIC REAGENTS AND VACCINES		

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir/Madam:

In order to comply with the duty of disclosure under 37 C.F.R. § 1.56, transmitted herewith is an Information Disclosure Statement (IDS) in connection with the above-identified pending patent application. This IDS complies with the requirements under 37 C.F.R. § 1.98 and is being submitted pursuant to:

- ☒ 37 C.F.R. § 1.97(b), wherein the IDS is being offered for consideration in a:
- ☐ national application, within three (3) months of the application filing date of the national application or before the mailing date of a first Office Action on the merits.
 - ☐ international applications, within three (3) months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 or before the mailing date of a first Office Action on the merits.
 - ☒ a Request for Continued Examination (RCE) under § 1.114, before the mailing date of a first Office Action on the merits

- ☐ 37 C.F.R. § 1.97(c), wherein the IDS is being offered after the period specified in 37 C.F.R. § 1.97(b), but before the mailing date of a final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311 and, accordingly, is accompanied by:

- ☐ the fee of \$180.00 set forth under 37 C.F.R. § 1.17(p)

or

- ☐ a Statement under 37 C.F.R. § 1.97(e):

- ☐ see attached Statement under 37 C.F.R. § 1.97(e).

- ☐ The undersigned attorney hereby states that each item information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of this IDS.

- ☐ 37 C.F.R. § 1.97(d), wherein the IDS is being offered for consideration after the mailing date of a final Office Action under 37 C.F.R. § 1.116 or a Notice of Allowance under 37 C.F.R. § 1.311, but before, or simultaneously with, the payment of the Issue Fee and, accordingly, is accompanied by:

- ☐ the fee of \$180.00 set forth under 37 C.F.R. § 1.17(p)

and

- ☐ a Statement under 37 C.F.R. § 1.97(e):

- ☐ see attached Statement under 37 C.F.R. § 1.97(e).

- ☐ The undersigned attorney hereby states that each item information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of this IDS.

Fees & Method of Payment

- ☒ There is no fee required for submission of this IDS.
- ☐ The aforementioned selected fee is required for submission of this IDS.
- ☐ Fee payment(s) submitted via EFS-Web.
- ☐ The Commissioner is hereby authorized to charge Deposit Account No. 501358.

- ☒ The Commissioner is hereby authorized to charge any deficiency in fees, or credit overpayment of the same, to Deposit Account No. 501358.

The Examiner's attention is kindly directed to the documents identified on the enclosed/attached Form PTO/SB/08. Copies of U.S. Patents and/or Patent Application Publications are not required pursuant to 37 C.F.R. § 1.98 and, therefore, have not been provided in connection with this submission. Copies of all other references are enclosed/attached.

Applicants note that the documents identified on the enclosed/attached Form PTO/SB/08 were cited in connection with Opposition proceedings for related European patent number EP1214088. Applicants further note that all other documents cited in connection with the Opposition proceedings for the related European patent were previously disclosed in Applicants' Information Disclosure Statements dated June 8, 2007, March 8, 2007, August 28, 2003, and November 2, 2001 submitted in connection with the instant application.

Copies of the Oppositions are submitted herewith as Items 3 and 4 under the heading "Non-Patent Literature Documents" on the Form PTO/SB/08 submitted herewith. Because the Opposition proceedings took place well after the filing of the Notice of Appeal in connection with the above-referenced U.S. application, these references are being submitted along with a Request for Continued Examination so that the references can be properly considered and made of record.

It is respectfully requested that these references be fully considered by the U.S. Patent and Trademark Office during the examination of this application and printed on any patent which may issue thereon. Accordingly, Applicants kindly requests that a copy of Forms PTO/SB/08, as considered and initialed by the Examiner, be returned with the next office communication.

An early and favorable action is respectfully requested.

Respectfully submitted,

Lowenstein Sandler PC
65 Livingston Avenue
Roseland, NJ 07068

Dated: October 15, 2010

By: s/Lisa K. Schroeder/
Lisa K. Schroeder, Esq.
Attorney for Applicant
Reg. No. 59,401